

1
2 UNITED STATES DISTRICT COURT
3 WESTERN DISTRICT OF NEW YORK
-----X

4 CORY EPPS,

5 Plaintiff,

6 -against-

Case No.:
1:19-CV-00281-LJV

7 THE CITY OF BUFFALO, DETECTIVE
8 JOHN BOHAN, DETECTIVE REGINALD
9 MINOR, DETECTIVE MARK STAMBACH,
10 DETECTIVE JAMES GIARDINA,
11 DETECTIVE ANTHONY CONSTANTINO,
12 DETECTIVE ROBERT CHELLA,
13 RANIERO MASSECHIA, CHARLES
14 ARONICA, and CHIEF JOSEPH RIGA,

15 Defendants.

16 -----X

17 August 11, 2021
18 10:11 a.m.

19 Videoconference deposition of
20 WYMIKO ANDERSON, taken by plaintiff,
21 pursuant to an Agreement and to the Federal
22 Rules of Civil Procedure, reported remotely
23 by Nicole Veltri, RPR, CRR, and Notary
24 Public of the State of New York.
25

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STIPULATIONS

IT IS HEREBY STIPULATED AND AGREED, by
and between counsel for the respective
parties hereto, that all objections, except
as to form, are reserved to the time of
trial.

IT IS FURTHER STIPULATED AND AGREED
that the deposition may be signed and sworn
to before any officer authorized to
administer an oath.

IT IS FURTHER STIPULATED AND AGREED
that the sealing and filing of the
deposition be waived.

(The aforementioned Ms. Anderson's transcript was premarked as Exhibit 105 for identification as of this date by the Reporter.)

(The aforementioned Ms. Anderson's letter to Cory Epps' attorney was premarked as Exhibit 106 for identification as of this date by the Reporter.)

(The aforementioned sworn affidavit was premarked as Exhibit 107 for identification as of this date by the Reporter.)

(The aforementioned photo of Russell Montgomery was premarked as Exhibit 108 for identification as of this date by the Reporter.)

(The aforementioned photo of Cory Epps was premarked as Exhibit 109 for identification as of this date by the Reporter.)

MR. GARBER: There's consent between the parties that the oath you're going to administer right now is

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sufficient for purposes of this deposition, and we don't all need to be in the same room or even in the same state for this oath to be effective?

MR. RUSS: I agree with that. I so stipulate.

WYMIKO ANDERSON,
called as a witness, having been first duly sworn by a Notary Public of the State of New York, was examined and testified as follows:

EXAMINATION

BY MR. GARBER:

Q. What city do you live in?
A. Buffalo.
Q. What's your name?
A. Wymiko Anderson.
Q. Can you spell that for us?
A. W-Y-M-I-K-O, A-N-D-E-R-S-O-N.
Q. Good morning, Ms. Anderson.
A. Good morning.
Q. Just as an introduction, I just want to let you know that this is a deposition. It's being recorded by a

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stenographer typing down information, and there's also a video recording of this proceeding; do you understand that?

A. Yes.

Q. And you're under oath, and you have to be truthful and honest about everything that you're going to say here today?

A. Yes.

Q. So a deposition is a little different than a criminal proceeding. Have you testified before in criminal proceedings?

A. Yes.

Q. In a deposition, there's lawyers and there's usually not a judge, or I don't believe there's going to be a judge involved in this proceeding today; do you understand?

A. Yes.

Q. It's important that you answer questions clearly so that the stenographer can get your information down; do you understand?

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A. Yes.

Q. And if you don't understand something, you could ask for clarification, okay?

A. Okay.

Q. Very good.

So my name is Glenn Garber; and you and I have met in the past, right?

A. Yes.

Q. I represent Cory Epps; and the matter before this -- well, involving this deposition is Cory Epps versus the City of Buffalo; do you understand?

A. Yes.

Q. Okay.

So tell us how old you are.

A. I'm 47.

Q. And you said that you live in Buffalo?

A. Yes.

Q. How long have you lived in Buffalo?

A. All my life, you know, since I was about four.

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Q. Okay.

What is your educational
background?

A. I got my GED.

Q. And what do you do for a living?

A. Well, right now I'm unemployed;
but I work for Pro Squared.

Q. Can you say that again? I didn't
hear that.

A. I said right now I'm unemployed,
but I work for Pro Squared.

Q. What is Pro Squared?

A. It's a cleaning company, you
know, you clean buildings, you know,
schools, cleaning, stuff like that.

Q. Okay.

And do you have any -- are you
married?

A. No.

Q. Do you have any children?

A. Two.

Q. What are the ages of your
children?

A. Twenty-eight and thirty-one.

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Q. What are the names of your children?

A. Lamar and Shiasiah.

Q. Who is Shiasiah's father?

A. Paul Pope.

Q. Is Paul Pope still alive?

A. No.

Q. What happened to Paul?

A. He was murdered in April of '98.

Q. Okay.

Now, have you reviewed documents to prepare for your deposition today?

A. Yes.

Q. I'm going to go over a few of those documents, and I'm going to try screen share right now.

A. Mhm.

MR. GARBER: And, Hugh, you received the emails with the exhibit numbers attached to the documents?

MR. RUSS: Yes, I did.

MR. GARBER: So I'm going to refer to them by the exhibit numbers that were in the email; but I'll show

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you the documents, Ms. Anderson.

Q. Do you see my screen?

A. Yes.

Q. I'm going show you what has been marked or what is Exhibit 105 in this proceeding. See if I can get to the top of it. This is an 83-page document of testimony.

Do you see that, Ms. Anderson?

A. Yes.

Q. Did you review this transcript before you testified here today?

A. Yes.

MR. GARBER: Somebody's been admitted. That's Rob Rickner. He's working with me on this matter.

Q. So we're talking about a transcript, which is Exhibit 105; and you reviewed this before you testified here today?

A. Yes.

Q. Do you remember testifying at a hearing in a criminal proceeding of People versus Cory Epps in May of 2001?

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A. Yes.

Q. And this transcript that we're talking about now, Exhibit 105, is that a transcript of your testimony at that proceeding?

A. Yes.

Q. Were you under oath at that proceeding?

A. Yes.

Q. Did you testify truthfully at that proceeding?

A. Yes.

Q. And does the document, 105, fairly and accurately depict your testimony from that proceeding in May of 2001?

A. Yes.

Q. I'm going to take that off.

Now, do you remember speaking to the police in April of 1998 where they took a statement from you?

A. Yes.

Q. I'm going to show you Exhibit 43.

Does this look familiar to you?
This is Exhibit 43.

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A. Yes.

Q. What do you recall that -- what is that?

A. This is the statement that I made.

Q. Do you remember the date that you made that statement?

A. The night Paul -- that April 17th, that morning, around --

Q. What year?

A. '98.

Q. I'm going to ask you to look at the bottom left-hand corner of the document that's on the screen.

A. Mhm.

Q. Do you see a date on that?

A. The 17th day of April.

Q. What year?

A. 1998.

Q. Okay. I'm going to take that down.

I'm going to now show you Exhibit 66, and I'm going to show you the second page of that exhibit. What do you

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recall -- what is this?

A. That's the sketch of -- what did you say, dear?

Q. I just asked you what this appears to be to you.

A. Okay. That's the sketch that was on the news of Russell.

Q. Do you recall seeing this many years ago?

A. Yes.

Q. I'm going to show you what is Exhibit 106. Do you recognize this document?

A. Yes.

Q. What is that?

A. That's the letter that I had wrote to Cory's lawyer.

Q. Do you remember when you did that?

A. Yes.

Q. When?

A. At home doing --

Q. Not where, when, do you remember when you wrote the letter?

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A. Oh, when. After I told the police and I found out that they weren't going to do nothing about it.

Q. Do you remember what year it was?

A. In 1998, April.

Q. Okay.

And I'm going to show you now Exhibit 107. Do you recognize this document? Do you recognize this?

A. No.

Q. I can't hear you. I think you may have froze.

A. You broke up, dear.

Q. Can you hear me?

A. Yes.

Q. Okay.

MR. GARBBER: Can everybody hear Ms. Anderson? I'm having trouble.

A. Now I can.

Q. Can you hear me?

A. Yes.

Q. Okay.

I showed you Exhibit 107, and I asked you what it is.

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A. It's a sworn affidavit.

Q. This is an affidavit that you made?

A. Correct.

Q. Do you remember the date of that?

A. They say the 29th of April.

Q. Do you recall what year?

A. 2000. That was on Sobieski.

(Reporter clarification.)

A. I was saying my address where I was at where Mr. Putnam (phonetic) came over. That was on Sobieski when I spoke to him in 2000.

Q. Okay.

Now, do you know Cory Epps?

A. No.

Q. And do you understand this is a civil proceeding where he's suing the City of Buffalo and some police officers with regard to his wrongful conviction?

A. Yes.

Q. Do you have any reason to provide false testimony for Mr. Epps?

A. No.

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Q. Has anyone offered you anything or provided you with some sort of incentive to give false testimony for him?

A. No.

Q. Are you here to tell the truth about everything?

A. Yes.

Q. Tell us who Paul Pope is.

A. Paul Pope is the father of my daughter.

Q. And the daughter that you had mentioned before?

A. Yes.

Q. What's her name again?

A. Shiasiah.

Q. Do you live with Shiasiah?

A. Yes. S-H-I-A-S-I-A-H.

Q. Now, were you together with Paul Pope in 1997 and 1998?

A. Yes.

Q. Do you remember the day that he was killed?

A. Yes.

Q. What date was he killed?

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A. April 16th, 1998.

Q. Do you know who killed Paul Pope?

A. Russell.

Q. Do you know Russell's last name?

A. Montgomery.

Q. What was the relationship between Paul Pope and Russell Montgomery around April 16th of 1998?

A. To my knowledge, they were still friends.

Q. Do you know someone by the name of Tomika Means?

A. Yes.

Q. Do you call her Tomika Means, or is there some other name you go by?

A. Her name -- well, Nicole.

Q. Okay.

So Nicole is Tomika Means?

A. Yes.

Q. How did you know her?

A. I knew Nicole since we were younger and, you know, me and her -- her kid's father is really good friends also.

Q. And who is that?

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A. Kian Edwards (phonetic).

Q. Now, was Tomika Means killed?

A. Yes.

Q. Do you remember when that happened?

A. In May of '97.

Q. Was that about a year before Paul Pope was murdered?

A. Mhm -- yes.

Q. Do you know who killed Tomika Means?

A. Russell.

Q. Russell Montgomery?

A. Yes.

Q. And how do you know that?

A. Because Paul told me he killed her I asked -- go ahead, I'm sorry.

Q. Can you tell us when Paul told you and the circumstances under which he told you?

A. He came -- Russell came to our house early in the morning. I guess, you know, the morning of and --

Q. Let me just stop you. The

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morning of what?

A. Nicole's murder.

Q. Okay. Go on.

A. They left; and when Paul come back home, he says, "Yo, Russell killed Kian's girl."

Q. Russell killed Kian's girl?

A. Mhm.

Q. And who is Kian's girl?

A. Nicole.

Q. At the time when Paul said that, did you believe that at the time that Kian's girl was Nicole or Tomika Means?

A. Yes.

Q. Okay.

And where did this conversation take place?

A. With me and Paul?

Q. Yes.

A. At home.

Q. Do you remember what time it was?

A. It was in the morning, like, 9:00, 9:30, 10:00, no later. It was early because we all had went out the night

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before, and we parted ways; so it was pretty early for us to be drinking. When he came, it was a shock because it was so early.

Q. Now, where was it; where was the location where you were living at the time?

A. I was on Fox.

Q. Fox?

A. Yes.

Q. What was the address?

A. I can't remember exactly the address on Fox because then right after that, then we went right to juvie; so I don't remember the exact -- I don't know. I really can't recall the exact address on Fox. I'm sorry.

Q. After Paul Pope told you that Russell admitted to him that he had killed Tomika Means, did you go to the police at that point?

A. No.

Q. Why not?

A. Because Paul forbid I say nothing, you know; and I'm like, "Wow." I

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2 didn't tell the police, but I told Tabatha.

3 Q. Who's Tabatha?

4 A. That's my cousin, Tabatha Parker.

5 Q. Did you ever learn anything about

6 the Tomika Means murder on the news?

7 A. Yeah. That they had Cory for it.

8 Q. Okay.

9 And did they show anything on the

10 news in regard to the murder, any

11 information?

12 A. The sketch.

13 Q. Could you elaborate on the

14 sketch?

15 A. It was a picture, I guess, that,

16 you know, someone drew up and put it on the

17 news of the person that, you know, I guess

18 the witnesses said that they saw.

19 Q. Okay. I'm going to do another

20 screen share here. I'm going to show you

21 Exhibit 66.

22 What does this appear to be to

23 you?

24 A. The sketch of Russell.

25 Q. And was this a sketch that was

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shown on the news in regard to the killer
of Tomika Means?

A. Yes.

Q. Do you recall when you saw that
in relation to the Tomika Means murder?

A. I can't remember the exact date,
but it was on the news so --

Q. Okay.

Was it before Paul Pope was
murdered?

A. Oh, absolutely, yes.

Q. Now, you said that Paul Pope was
murdered on April 16th of 1998?

A. Yes.

Q. Did there come a point where you
cooperated with the police in regard to
Paul Pope's murder?

A. Absolutely.

Q. Do you remember what day it was
that you went in to speak to the police?

A. I guess it would be the 17th
because he got killed the 16th, you know,
later on in the evening so --

Q. Would that have been the 17th of

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April, 1998?

A. Yes.

Q. And where did you speak to the police?

A. At headquarters.

Q. The Buffalo police headquarters?

A. Yes.

Q. Do you remember what officer or officers you spoke to on April 17th, 1998, about Paul Pope's murder?

A. Stambach. And I don't know the other one name.

Q. Can you spell Stambach for the court reporter? Do you know how to spell it?

A. S-T-A-M-B-A-C-H, I think.

Q. Okay.

And can you tell us about the conversation you had with Stambach and the other officer at the Buffalo Police Department on April 17th of 1998?

A. They was asking me questions about Paul, you know, what do you do for a living and, you know, what was going on,

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how did I find out about him dying, and who do I think did it and, you know.

Q. What did you tell them about who you thought did it?

A. Russell.

Q. Did any other topics come up during that conversation with the police about -- and when I say any other topics, about any other murders?

A. Well, yeah, Nicole -- Tomika's came up. I mentioned it.

Q. Can you tell us how that came up?

A. When he asked me to describe what Russell looked like and I said you know that sketch that they got on the news, that's him.

Q. And did you link that sketch to the Tomika Means murder when you were speaking to the police?

A. Yes.

Q. What did you say?

A. I said the picture that they had on the news, that's Russell right there; and so, yeah, I pretty much got a picture

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of what he looked like. And that's when he left, and he came back; and he had the photo, you know. And I was like, "Yeah, that's him."

Q. Okay.

Are you saying that Stambach left and got the photo, the sketch from the Tomika Means murder?

A. Yes.

Q. And what happened when they came back?

A. Nothing. Basically it was just, like, well, I mean, Cory -- we got evidence against him that he did it; so, you know, basically -- and I'm like, "No, that's wrong." You know what I mean? I know how that could be but whatever.

Q. Did you tell the police at that point in time, this is April 17th of 1998, what Paul had told you?

A. Yes.

Q. And what did you tell them?

A. That Paul told me that Russell killed her, killed Nicole.

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Q. Now, were the police taking down or typing anything while you were talking to them on that day, April 17th of 1998?

A. Yes.

Q. And when you told them about Russell Montgomery being involved in the killing of Tomika Means, did they stop the action, the typing?

A. Yeah, yeah. They didn't type no more.

Q. What did they do at the point when you told them that you had learned that Russell had admitted to killing Tomika Means?

A. Wait, repeat that.

Q. What did they do, this is the detectives, when you revealed to them that Russell had admitted to killing Tomika Means? What did the police do at that point in the conversation?

A. Well, they -- well, what they said was, well, what he said, Stambach, was basically Paul's not here, you know what I mean. This is hearsay. That's just he

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say, she say, type of stuff. He said well, there's nobody that can say well, yeah, he did do it; so, you know, basically it's not no proof. And I was like, oh, well, that's messed up because I know Paul ain't going to lie about something like that. That's just not what he did. He not going to make something up about his so called friend at the time. You know what I mean? He not going to make something up like that.

Q. Did the police ever accuse you of making false statements about Russell Montgomery being the killer of Tomika Means?

A. Yeah. They said that I basically knew Cory; and I do anything to get Russell caught, like -- go ahead, I'm sorry.

Q. Did you know Cory in April of 1998?

A. No.

Q. Do you know him now?

A. I mean, I seen him a couple times; but I don't really know him. But I know, you know, through what I'm going

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through, you know what I mean? Through
this case.

Q. Okay.

Now, after this conversation,
April 17th of 1998, at police headquarters,
did you have any other contact with the
police with regards to the Paul Pope
murder?

A. Yes.

Q. Do you remember coming back to
the detectives' offices to give them
information about the Paul Pope murder?

A. Yes.

Q. Do you remember when that was in
relation to April 17th of 1998?

A. I came in June. I was there -- I
was in contact with them a few times.

Q. Okay.

So do you recall after the
April 17th, 1998, conversation writing an
anonymous letter to Cory's lawyer?

A. Yes.

Q. I'm going to do a screen share.
I'm going to show you Exhibit 106. Is this

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the letter that you wrote to his lawyer?

A. Yes.

Q. Is there a date on the upper right-hand corner of that letter?

A. Yes.

Q. What's the date?

A. 4/27/98.

Q. And what does that date signify?

A. The day that I sent the letter out, the day --

Q. Is this letter in your handwriting?

A. Yes.

Q. I'm just going to show you the whole thing. So you wrote this letter and sent it to Cory's lawyer?

A. Yes.

Q. And at the bottom it doesn't have a name; does it?

A. No.

Q. Did you keep your name anonymous on this letter?

A. Yes.

Q. So if this was April 27th of

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1998, that would have been about ten days after you had gone in to talk to them on April 17th of 1998?

A. Yes.

Q. And when I say them, I mean the detectives, the Buffalo detectives?

A. Yes.

Q. Did you ever have a conversation with the Buffalo detectives about this anonymous letter?

A. Yes.

Q. Do you remember when that was in relation to when the letter was drafted?

A. It probably was, like, a few days later, after.

Q. Okay.

Do you know if this letter ever made it to the news?

A. Yeah.

Q. Tell us about that.

A. That's when I, you know, I got kind of scared at that point during that time because I'm like oh, shoot, my name -- so I told my aunt, you know what I mean?

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Anderson

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Like, auntie what should I do, you know what I mean? And she was like, well, you might as well go with it. And I went down there; and I told them, you know, I was like look, I wrote that letter, you know, and I went down there with Paul. And I was like well, I hope -- okay, I'm sorry. I had to decline a call.

Q. Okay. No problem.

Wait, you went down there. Do you remember when you went down there in relation to when the letter was drafted?

A. The exact date, I don't. I would be telling you a story.

Q. Okay, okay.

And it was sometime after it appeared on the news?

A. Yes.

Q. Okay.

And who is your aunt?

A. Theresa.

Q. And when you went down to speak to the police, do you remember who you spoke to?

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Anderson

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A. It was Constantino or something like that. Yeah, it was a couple.

Q. Okay.

There was more than one officer?

A. Yeah.

Q. Do you remember what you said to them?

A. Yes, you know.

Q. What?

A. For the most part. That the reason -- I wrote the letter and the reason why I wrote it because this man is in jail for something he didn't do. And they like well, we don't have no proof of that. We have the proof that Cory -- I'm like well, that's not true, you know what I mean? Well, how -- well, why would you wait to say something now. I'm like, well, you know, Paul is gone, you know what I mean? I -- that was my better half; and you don't, you know, I don't know how other people react. But if somebody tell me don't say something especially my man, I'm not going to do that. And it's morally --

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Anderson

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and was how I feel now. I wish I would have -- in hindsight, I wish I would have been told all of this the day that it happened; but I didn't.

Q. Okay.

Now, after going down there and talking to them about -- and talking to the detectives about the anonymous letter, the April 27th, 1998, anonymous letter, did you ever go back and look at any photographs?

A. Yes.

Q. Do you remember who you looked at photographs of?

A. They showed me a picture of Connie.

Q. And who is Connie?

A. That was Russell's kids' mother to his girlfriend.

Q. Do you know Connie's last name?

A. I think Connie Ferguson (phonetic).

Q. Okay.

And do you remember if you picked her out of any sort of photographs for the

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Anderson

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police?

A. Mhm, yes.

Q. Okay.

Do you remember the exact date
that that happened?

A. No, I don't.

Q. Okay. I'm going to show you
Exhibit 74. Is your screen blocked at all?
Can you see this document?

A. Yes. I can see it.

Q. Okay.

Can you see any sort of a date on
it?

A. Yes. 6/4/98.

Q. Okay.

And I just want you to read down
a little bit. You see where it says A, I
picked out?

A. I picked out a photo in the
number five, yeah, I see number five slot;
and I positively identify the person in the
photograph --

Q. Can you read on to see what it
further says?

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Anderson 35

A. I was told by the police, Connie, Russell girlfriend.

Q. You can read it to yourself, Ms. Anderson.

A. Okay. I got it. Connie Ferguson.

Q. This is the question, does this document refresh your recollection about the date that you went into the Buffalo Police Department to view photographs and when you identified Connie Ferguson?

A. Slightly.

Q. Does June 4th of 1998 sound about right to you?

A. Yes.

Q. Okay.

Did you testify at Russell Montgomery's trial where he was accused of killing Paul Pope?

A. Yes.

Q. Was he convicted of that crime?

A. Yes.

Q. And do you recall speaking with lawyers for Cory Epps in regard to what you

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Anderson

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had learned about Russell being the killer of Tomika Means?

A. Yes.

Q. Do you remember when you connected with Cory Epps' lawyers in relation to the Paul Pope murder trial, Russell Montgomery murder trial with Paul Pope?

A. Would that be with the David Connors (phonetic)?

Q. Yes.

A. Okay.

Q. Do you remember when you connected with him in regard to helping out with the wrongful conviction of Cory Epps?

A. It had to be, like, around 2000 sometime because I was -- I actually drove his daughter's school bus or something; and that's how we introduced -- that's how we found -- he realized my name and was like, oh, shoot, you know what I mean? That's crazy. I've been looking for you so --

Q. Do you recall having any conversations with him in court around the

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Anderson 37

time of the Paul Pope or Russell Montgomery
murder trial?

A. Yes.

Q. Okay.

Was it after that that you
testified at a hearing for Cory Epps in May
of 2001?

A. Yes.

Q. Now, do you believe that Russell
Montgomery and Cory Epps look alike?

A. Yes.

MR. RUSS: Objection to form.

Q. Do you know --

MR. RUSS: You can answer.

MR. GARBER: What? Okay. I'll
withdraw the question.

Q. Do you know what Russell
Montgomery looks like?

A. Yes.

Q. Do you know what Cory Epps looks
like?

A. Yes.

Q. Is there any similarity between
the two?

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Anderson

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MR. RUSS: Objection to form.

You can answer.

A. Yes.

Q. I'm going to show you, this is Exhibit 108. Do you see that?

A. Yes.

Q. Who is that?

A. That's Russell.

Q. Now, you testified at a hearing for Cory Epps in May of 2001, right?

A. Yes.

Q. Did you see him in court?

A. Yes.

Q. I'm going to show you Exhibit 109. What does 109 look like to you?

A. Cory.

Q. What can you say about Cory Epps and Russell Montgomery?

A. That they look alike.

MR. RUSS: Objection to form.

You may answer.

Q. Okay.

So is there any doubt in your mind that you told the police on April 17th

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of 1998 that Paul Pope had told you that Russell admitted to killing Tomika Means to him?

A. Can you repeat the question again, sir?

Q. Any doubt in your mind that you told the police about Russell being Tomika Means killer on April 17th of 1998?

A. No. Oh, no doubt in my mind. I know I told them that.

Q. On that specific date?

A. Yes.

Q. Okay.

MR. GARBER: I'm just going to take a slight break, Hugh. I just want to talk to Rob for a moment to see if there's any more questions I'm going to ask; but we're pretty much coming to the end, okay?

MR. RUSS: Sure.

MR. GARBER: Thank you.

(Whereupon, a short recess was taken.)

Q. So, Ms. Anderson, just one

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Anderson

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follow-up question. So the anonymous letter that you wrote on April 27th of 1998 to Cory's lawyer, why did you write that?

A. Because they were -- I felt like they wasn't going to do nothing about it.

Q. When you say they, who are you talking about?

A. The police.

Q. Do you know if Cory had been convicted at that point or not?

A. I think he was going through trial.

MR. GARBER: I have no further questions.

MR. RUSS: Okay. Thank you.

EXAMINATION

BY MR. RUSS:

Q. Ms. Anderson, my name is Hugh Russ; and I represent the City of Buffalo and some of the other individuals who have been sued in this case. I'm just going to ask you a couple of questions to fill in some of the gaps in what you've already testified to. I'm not going to repeat

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Anderson

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stuff, so don't worry about that. This should not take long.

You said in your testimony a little earlier that you met with counsel previously; is that correct, Mr. Garber?

A. Yes.

Q. How many times did you meet with him or with lawyers from his office?

A. About couple, a few.

Q. Do you know roughly when that was that you met?

A. With Glenn?

Q. Right.

A. Oh, I met with Parker, I guess he was an investigator back in 2015. I don't remember the exact date. I think it may have been May or June; and I spoke and I met with him, Mr. Garber, Glenn, around that time too. I don't remember the exact date, but it was two different occasions.

Q. Okay.

And then have you also spoken with Mr. Garber over the telephone?

A. Yes.

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Q. Either during the meetings that you had with him or in some other fashion, has he shown you some of the documents that we saw this morning?

A. Yes.

Q. Have you given him any documents?

A. No.

Q. You said that Paul Pope was the father of your daughter; did you live with him as well?

A. Yes.

Q. What did he do for a living?

A. He sold drugs.

Q. Did he also take drugs?

A. No.

Q. How about you, at the time did you take drugs?

A. No.

Q. You said that you saw the sketch on TV of the person believed to have murdered Tomika, you saw that on TV. Do you recall talking about that?

A. Yes.

Q. And when you saw that on TV, you

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Anderson

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thought that that was Russell?

A. Yes.

Q. But you didn't tell anyone about that for almost a year; is that right?

A. No. That's not correct. I told Tabatha Parker that the same day Paul told me.

Q. Okay.

You didn't tell the police for about a year or almost a year; is that right?

A. That's correct, sir.

Q. Was there a reason why you delayed in telling the police?

A. Yes. Because truthfully it was a dangerous situation; and at that time Paul and Russell still were friends, you know, so he couldn't -- I couldn't go against what he told me, you know, so --

Q. By dangerous situation, do you mean that you feared Russell, you feared that Russell might do something to hurt you or to hurt Paul?

A. Heck yeah. If that were the

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Anderson

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guy -- at that time, heck yeah, yes,
definitely, sir.

Q. And so that's why you didn't tell
the police right away?

A. Correct.

Q. You said a little earlier this
morning that when you were talking to the
Buffalo police, I think it was Stambach
after Paul's murder, you told them that you
thought that Russell had done Paul's
murder; is that correct?

A. Yes.

Q. Why did you think that?

A. He was the last person with
Russell; and when the young lady who Paul
was with, she, you know, that was the last
time Paul was ever seen at that point. He
went into the house and never came back
out.

Q. Who was that lady?

A. Tashawn (phonetic) Davis.

Q. How did you learn that
information?

A. Through the police and family.

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Anderson

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Q. When you sent the letter to --
was it Mr. Lotempio, Cory's lawyer?

A. Yes.

Q. Who did you send the letter to?

A. Mr. Lotempio.

Q. And you testified a little
earlier this morning that you did not sign
that; there's, like, a scribble under it;
is that right?

A. Correct.

Q. Why did you keep that anonymous?

A. Again, I was still a little, you
know what I mean, Russell was still out in
the streets; but I had to get it off my
conscience, you know what I mean? I'm
saying, because at that point in my life, I
was going through, you know, Tomika's
husband -- her boyfriend, her children
father, he very close to me. So it really
was eating me from the inside out; so it
was, like, I have to, you know what I mean?
Like, I got to get this out and, you know,
by the grace of God, you know, he put that
strength in me because at that time I was

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Anderson

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alone in the world. You know what I mean?

The police didn't believe me, nobody; but at that point, that's when they thought I was crazy because I'm like well, I know the truth, you know, God got my back. So I'm not going to sit here and make nothing up like that; and this girl, you know, he killed this girl and this man is in jail for something I know for a fact he didn't do. Paul is not going to make -- he's just not -- he's not going to make nothing up like that, you know. Everybody else might not believe him, but I know.

So -- I'm sorry. I'm just a little emotional right now because it just takes me back 20 -- so many years. And I feel so bad right now. Sorry. Excuse me, because if I would've said something back when Paul told me, he probably would still be here for my family. Hold on, please.

Q. Yes, take a minute. It's okay.

A. Sorry.

Q. Don't be sorry. I know it's been an ordeal for you, not only this case, but

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Anderson

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what happened to Paul; and I know even though it's been a lot of years, I'm sure it's still on your mind all the time.

I just have a couple more questions if you're ready.

A. I'm sorry.

Q. Don't be sorry.

A. Okay. I'm ready.

Q. We understand. We understand.

The letter that we're talking about, did you mail that; or did you deliver it?

A. I mailed it.

Q. Do you remember to whom you mailed it?

A. Mr. Lotempio's office.

MR. RUSS: L-O-T-E-M-P-I-O.

Q. Almost done.

Recently, have any of the Buffalo police officers or detectives or anyone from the City of Buffalo approached you and talked to you about this case?

A. A few years ago. I spoke with two officers at Tim Hortons. I think it

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was Constantino and another one. That was it.

Q. Do you know about when that happened?

A. Could have been 2016 or '17. I really don't remember, sir; but it was between '16 or '17.

Q. Do you know whether that was in connection with Cory's efforts to get out of jail?

A. Yes.

Q. Yes, it was?

A. Yes, yes.

Q. I've seen a bunch of documents or statements in this case that talk about that bar that used to be on Main Street, Birchfield's?

A. Mhm.

Q. Is that a place where you went often?

A. Sometimes. That's where Paul would hang out a lot.

Q. Did Russell hang out there as well?

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A. Mhm, they all did.

Q. Do you know whether Cory hung out there?

A. I don't know, sir.

Q. This is just sort of a hopefully light-hearted thing, I saw on a lot of the paperwork concerning you and concerning this case that at one point you went by the name Pumpkin?

A. Yes.

Q. Where does that come from?

A. That's been my name since I was a baby because I was always fat.

Q. Well, there's something in there that said that was your street name; and I didn't know if it meant something other than just a nickname.

A. No.

MR. RUSS: I have no other questions at this time.

THE WITNESS: Okay.

MR. GARBER: Thank you. Thank you, Ms. Anderson. You can fade away if you would like.

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Anderson

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We're going to need a copy.

MR. RUSS: I need a copy as well.

(Time noted: 11:05 a.m.)

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WYMIKO ANDERSON

Subscribed and sworn to
before me this day
of 2021

CERTIFICATE

STATE OF NEW YORK)

) ss.

COUNTY OF SUFFOLK)

I, Nicole Veltri, RPR, CRR, and Notary
Public within and for the State of New York,
do hereby certify:

That WYMIKO ANDERSON, the witness
whose deposition is hereinbefore set forth,
was duly sworn by me and that such
deposition is a true record of the testimony
given by such witness.

I further certify that I am not
related to any of the parties to this action
by blood or marriage and that I am in no way
interested in the outcome of this matter.

NICOLE VELTRI, RPR, CRR

August 11, 2021

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